

## **MAYOR & COUNCIL**

**October 4, 2021**

### **MEETING HELD IN-PERSON AND VIA TELECONFERENCE**

Mayor Houlihan called the regular scheduled meeting of the Mayor and Council of Delmar, Delaware to order at 7:00 P.M. This meeting is available to the public, in person with limited seating and via teleconference. In attendance were Vice Mayor Mary Lee Pase, Council Members Jones and Kemp. Town Manager Bynum-King, Police Chief Barkley, CDC Hardin, Town Engineer Josh Taylor and Clerk of Council Vondell Spencer. Absent: Council Member Smith. Guests: Robin Bond, Anita Heacock-Feaster, Penny Glasgow, Dan Feaster, Ernest Adkins, Blair Carey, Brock Parker, Tom Bauer, Vince Luca, Rachel Lord, Rev. Matthew Phillips and Jennifer Smithhart.

Mayor Houlihan called the meeting to order and performed a roll call to confirm there was a quorum. A quorum was established with four Council Members. He mentioned Council Member Greg Smith had knee replacement surgery recently and he did talk to him on Friday and was unsure he would be able to attend in person.

#### **Mayor's Comments**

Mayor Houlihan stated the police department had a meeting since the last Mayor and Council meeting on, September 7<sup>th</sup> with the negotiators. He further stated he thought they did move forward with solving some of the open areas. He said he was informed today that the negotiators met again today and he believed they were at least three open issues that will be resolved soon as possible. With that we know it is the Maryland contract but as he said last month Delmar, Delaware will still contribute our 40% to the pay scale that has been accepted and approved. We all want resolution and it's been a toll on a lot of us. Mayor Houlihan said he hoped and prayed we are close that possibly by next Monday night's Maryland meeting with Mayor Wells, she can say we have an accepted contract. We all just want resolution.

Mayor Houlihan explained Council Member Doug Kemp was our representative of the Delmar, Delaware Planning and Zoning Commission but due to his demanding workload Thursday evenings when the meeting is scheduled it's hard for him to attend that meeting. He further explained he reached out to Council Member Odell Jones, asked him if he would take Council Member Kemp's spot on the Planning and Zoning Commission and he agreed. We are going to make that effective on, November 1, 2021. In the interim he would be attending the Planning and Zoning Commission meeting himself as the Delmar, Delaware Council representative. Council Member Jones is the Delmar Middle School coach and he is unable to attend the Planning and Zoning Commission meeting this month.

Mayor Houlihan recommended the appointment of Council Member Odell Jones as the Delmar, Delaware Council Representative for the Planning and Zoning Commission effective November 1, 2021. The motion was made/seconded (Pase/Kemp) and carried by roll call vote of 4 Ayes 1 Absent (Smith).

Mayor Houlihan added he reached out to Delmar High School and Ms. Emily Ritchie is looking for

two seniors to be on the student advisory. One senior for Maryland and one senior for Delaware. Hopefully, that will be in place for our November meeting. He further added he has given Ms. Ritchie his phone number so those individuals can reach out to him and he can explain what student advisory entails for that position, meeting schedules and get contact information. We have had quite a few very good student advisory committee members the last few years, very outstanding young men and women too. Mayor Houlihan mentioned he told the previous student advisors it's good for their college application and resume building that will stand out that may be different from other students applying for colleges or even in the work force.

### **Approval of Minutes**

Mayor Houlihan called for a motion to approve September 7, 2021 meeting minutes as prepared. A motion seconded (Jones/Kemp) and carried with a roll call vote count: 4 Ayes and 1 Absent (Smith).

### **Unfinished Business –**

None.

### **New Business**

Mayor Houlihan read Resolution 2021-10-04 Halloween.

Mayor Houlihan called for a motion for Resolution 2021-10-04 Halloween. A motion was made/seconded (Pase/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Smith).

Mayor Houlihan stated the reason for Halloween being held on October 30<sup>th</sup> is because Sunday October 31, 2021 is Sabbath and it's a school night. He said he thought parents would like sugared up kids that night instead of Sunday night getting ready for school.

### **Committee Reports:**

#### Police Chief's Report

Chief Barkley reported: 1.) Chief thanked Mr. Tom Bauer. He is now our crossing guard at the school and he is doing an excellent job. 2.) Body worn cameras have been ordered and they are on the way and we will get all the training we need that will be implemented. 3.) We've had some significant progress with the collective bargaining, as well, looking forward to seeing that done very soon. 4.) We've had progress with our recruitment and even though our advertisement hasn't gone out as of yet, we've had some applications come in. Town Mgr. Bynum-King informed Chief the advertisement has gone out. Ms. Bond asked where the ad is posted. Town Mgr. Bynum-King answered it is currently posted on Zip Recruiter. 5.) Officer Coco is now working on his own, he is not working alone. 6.) Recruit Snead is doing well in the academy and is expected to graduate in December 2021. 7.) We continue to deal with a lot of accidents still at Rt. 13 and Foskey. A lot of them are typically injury accidents. Rt. 54 between Rt. 13 going eastbound on the Town limit side are the majority of our accidents that we are dealing with and those as well. A lot of the times they are reported as injury accidents. Vice Mayor Pase inquired what it would take to get a traffic light put on Foskey Lane. Chief replied the state. We've been discussing that with them for a while and

as of yet we have not had a resolution on that. Because it is a state highway whatever is done has to be done by the state. Town Mgr. Bynum-King mentioned Maryland Commissioners has been fighting for years to get State Highway to make changes to that intersection with no success. Vice Mayor Pase agreed. 8.) The event for the monument for Cpl. Keith Heacock Friday went really well. Definitely exceeded the goal and our golf tournament on Saturday went over really well. We thank all that participated and all those that helped out.

Code Enforcement Officer Report – In mail packet.

Public Works – In mail packet.

Town Mgr. Bynum-King reported the Director of Public Works, Jerome Reid's last day is tomorrow, October 5<sup>th</sup>. Mr. Reid is retiring after 26 years of service. We have been advertising after we were aware that he was retiring. There are four applicants. One took a position somewhere else and we are trying to arrange interviews with the other three applicants.

Town Mgr. Bynum-King further mentioned during the Public Works Department transition period she is requesting patience from the residents. She added that with the director's retirement and two employees out on medical leave, there is only two employees to cover the needs of the town. We've already had to proactively prepare for the impact of emergency services by aligning ourselves with outside skilled service providers to assist us with issues involving water and sewer main repairs.

Town Mgr. Bynum-King said she is also proactively preparing for winter/snow plowing in the event of heavy snow storms, contracting with outside skilled services. She also advised that Sophia Oberton will be the next Superintendent of the Water Treatment Plant. Once Mr. Reid retired, his water license and Superintendent status is no longer valid, so we had to assign a new Superintendent. The department has two personnel with dual water license, prior to the Director leaving he met with both of the employees and it was decided that Sophia Oberton would be the next Superintendent. She is the first female superintendent for our Town and has a great working relationship with the Maryland and Delaware Rural Water Association. Representatives from Delaware Rural Water Association came down last week to offer technical assistance, they performed a walk-through inspection of the WTP and identified some operational functions that were in need of immediate repair.

Town Mgr. Bynum-King further said she is seeking to find an individual with a CDL that is willing to work on a temporary part-time basis. She made the offer to Mr. Ried, and he did not express an interest. The other employee in the department with the CDL is out on medical leave, so we have no one to drive the street sweeper or the trash and dump trucks.

Utility Commission –

Vice Mary Pase reported there have been three water main leaks throughout the Town and have been repaired by Public Works. We've had Mulligan Way sewer repairs that are in the process of being resolved.

## Planning & Zoning

There was no Planning and Zoning Commission meeting September 23, 2021.

1. **Rev. Matthew Phillips (Greater Bethel Zion Family Life Center Ministries Inc.) – Consolidation of Lots 53 & 54 – 11 State Street West and 13 West State Street, Delmar, DE** – Council Member Kemp said it is looking really good over there. Mayor Houlihan agreed. Rev. Matthew Phillips responded thank you. Rev. Phillips said we are now parking on the street and as a Pastor he has some concerns about some of his elderly members as well as children who get out of their vehicles on the street whether it is on the main street or the side street. We've never had an accident. He further said we purchased the property next door with the plan of eventually putting a parking lot there. We removed a good number of the trees that were inhibiting us and tore the house down to get the permission to consolidate the two lots and make it so we are not parking on the street.

CDC Hardin added it's pretty straight forward and consideration for consolidation that's all that's before the Council at this time. If that is granted when the church decides what they actually want to do then they would have to come back through the process and procedure presenting that to the Planning Commission and give a recommendation to the Council. Mayor Houlihan responded so they are putting one thing in place then afterwards.

Mayor Houlihan called for a motion to approve Planning and Zoning Agenda Request for – Rev. Matthew Phillips (Greater Bethel Zion Family Life Center Ministries Inc.) – Consolidation of Lots 53 & 54 – 11 State Street West and 13 West State Street, Delmar DE, per the attached drawings. A motion was made/seconded (Kemp/Jones) and carried by roll call vote 4 Ayes 1 Absent (Smith). Mayor Houlihan commented thank you for everything you've done.

2. **Ernest Adkins – Relocate Modular Home – E 1/2 Lots 6 and 7, NW Corner of Delaware Ave. & N. 6<sup>th</sup> Street, Delmar, DE** – Mr. Adkins said the modular is already existing located in Rehoboth Beach. The current owners no longer want the home but the home is in substantial condition. The current owners want to keep the property but not the house. Mr. Adkins further said he has agreed to by the home and he wanted to put it on that lot.

CDC Hardin said per the certified site plan that was submitted with the proposed house set on it as presented the house does meet the setback requirements and it can be placed on the property and meet the setback requirements side, rear and front. CDC Hardin said he doesn't have any objection to its placement. The home will be placed on a permanent foundation in the same manner as a stick-built house will be.

Mayor Houlihan mentioned he did look at the parcel over the weekend and the neighboring houses are already existing and it will fit into the same category which are single-story houses and a little more down the street there are two-stories.

Mayor Houlihan called for motion to approve Planning and Zoning Agenda Request for – Ernest Adkins – Relocate Modular Home – E ½ Lots 6 and 7, NW Corner of Delaware Ave. & N. 6<sup>th</sup> Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Pase/Kemp) and carried by roll call vote 4 Ayes 1 Absent (Smith).

3. **Brock Parker – Subdivision of Parcel 5.00 into 24 Lots – Second Street and Old Racetrack Road, Delmar, DE** – This submittal is from the June 24, 2021 Planning and Zoning Commission meeting. Mr. Parker said this piece is essentially one parcel per the tax records but it is bifurcated by Old Racetrack Road. The total area of the parcel is about 16.5 acres. The property has a good bit of road frontage on Old Racetrack Road and on Second Street. Their proposal is to create road-front lots on both streets, tie into the water and sewer that is directly across the street or in the street. He further said to the Council you may remember this product; this a is a product that we sought a zoning on the property. It was zoned industrial. The difference here is we named each side. There are two identifiable parcels that will be given different parcel names when we are done with this process. The southern side is Queen’s Landing and the north side is Heacock Crossing. The south side will be comprised of 15 lots with about 10 of them fronting Second Street and 5 of them fronting Old Racetrack Road. The northern section is 4 on Racetrack Road with another 5 Racetrack Road, the eastern portion of that. The subdivision itself all the lots being proposed do meet the Town’s zoning code with every respect. The average lot size is anywhere from ¼ to 1/5 of an acre roughly around 9,000 sq. ft. The frontage of the lots is 60 and the depth is roughly 150. He said he believes those dimensions and square footages basically the rest of the contents of the plat meet your zoning code and all requirements. Mr. Parker further stated they do understand that Delmar does have some sewer issues which are to capacity. He mentioned knowledge of Town Mgr. Bynum-King and Town Engineer Josh Taylor were doing their best pushing forward with MDE trying to do some INI work trying to get some of that capacity freed up and try to gain that additional capacity. Mr. Parker stated we know we can’t move forward with recordation and close this loop until that sewer and capacity is available so essentially what we are seeking is the Council’s blessing contingent on that sewer becoming available. The intent is as soon as the sewer is available to record the plat and start construction. Town Engineer, Josh Taylor agreed with Mr. Parker stating that the water and sewer is at capacity and that is the issue. All we have done is a preliminary concept review at this point. Mr. Taylor said he sees no reason at this point why Mr. Parker’s proposal wouldn’t work and proceed under the understanding that once that capacity is available, it’s a good project for the Town. Mayor Houlihan mentioned Old Racetrack Road is not a Town Road that is a DelDot Road so essentially is there going to be a discussion with DelDot. Mr. Parker replied yes. Essentially that’s what we are doing here, trying to get our place in Town first and then we will see the subsidiaries

required by DelDot. Mayor Houlihan commented as we discussed this evening the capacity of the WWTP, as far as, the time when that availability will be available, we do not know that. Mr. Parker stated we wouldn't have submitted this or even participated this for recommendation or signature until we got the recommendation from Town Mgr. Bynum-King or Mr. Taylor. Council Member Jones commented he was looking at impact fees for our school and the Towns Police Department. Right now, we are overcrowded so these houses will add to the over crowdedness. He asked are there any type of fees that will help offset some of the costs. Mr. Parker answered any of the fees that are normally imposed by new construction in Town would have to be paid. Council Member Jones said so we should come up with some number. Mr. Parker said he is unsure and he's never had that suggested before.

CDC Hardin said he might reflect on some of the leading to the no vote from the Planning and Zoning Commission that evening. The first is being spoken about with the capacity issues. He explained as the liaison for the Town that even if approval was given as it is being said no building permit could be issued until such time that Public Works agreement was entered, and the EDU's were allocated. Even with an approval it wouldn't be able to move forward. The other issue that arose that evening again as Council Member Jones raised was that of the school and the overcapacity. There were two Planning Commission members who raised the issue of other projects that already received approval, Delmar Station Crossings and Stillwater. They both have approvals; they are also in the holding pattern, so they were reluctant given the things the he mentioned to even give a vote. He further said as he explained to the developer, he thought it better coming forward with no vote than with a negative vote.

Mr. Blair Carey added when he was going to buy this through Pam Price over a year ago, he came to the Council and gave his concept and what he would like to do and zone industrial. He said he would have never purchased the land if everyone said we are going to keep it industrial he wouldn't have never purchased the land, so he asked everyone, everyone gave a favorable recommendation at that time of we can do this, we will work with you. Mr. Carey said he is aware that the sewer capacity is something that could take years if he can do anything with that land, he is out that investment, the money that the Town said we will back this for you. If it's three or four years from now and this is resolved, then at least he is in line.

Mr. Parker mentioned we are modeling this project like Amber Ridge, the other side of Rt. 13. Good decent starter homes to come in for sale, not doing a rental project. A lot of the strenuous complaints that came from the Planning Commission because it is a Delaware Maryland split commission, you guys are very protective over your schools. However, every town has to grow, and every town has to bring in new residents.



Vice Mayor Pase commented she is concerned as Council Member Jones for the schools, police department and fire department. CDC Hardin responded he also failed to mention Ponds Edge has a project ahead of this project.

Town Mgr. Bynum-King replied she knew that this body and the Maryland body discussed impact fees to help support the continuing effort to grow our police department and provide funding to the school, fire department, library, a variety of entities. Recognize this project is going to be a few years out I'm sure and it certainly gives this body an opportunity to establish what those fees are going to be if at all. Because that lies in your lap, we are coming into a budget cycle where we are going to be able to do that and it won't only necessarily impact this particular project but it will impact every project that we have that are currently on the books with approval and will be subject to the same fees.

Council Member Kemp commented it's fine for Brock Parker and Blair Carey to get in line. What they are behind he would rather see them in front of them.

Chairperson Scholl called for a favorable or unfavorable recommendation to the Mayor and Council for the proposal presented by – Mr. Brock Parker – Subdivision of Parcel 5.00 into 24 Lots – Second Street and Racetrack Road, Delmar, DE, per the attached drawings. No motion was made. Chairperson Scholl stated hearing no motion this submittal will move forward with no recommendation from Planning and Zoning.

Mayor Houlihan called for a motion to approve Planning and Zoning Agenda Request for – Brock Parker – Subdivision of Parcel 5.00 into 24 Lots – Second Street and Old Racetrack Road, Delmar, DE, per the attached drawings and per the execution of the Public Works Agreement and also with further discussion regarding impact fees for public safety and for schools. A motion was made/seconded (Kemp/Houlihan) and carried by roll call vote 3 Ayes 1 Nay (Jones) 1 Absent (Smith).

## **Town Manager's Report**

Town Mgr. Bynum-King noted our audit is coming to a conclusion. The auditors are back in their office doing electronic communications. We are looking to have the audit presentation in the November or December meeting.

## **Council Comments**

Council Member Kemp had no comment.

Council Member Jones – Glad the police events went well, he had homecoming duties but he did get the chance to talk to Officer Coco and Lueders as they made their rounds over homecoming weekend and Smithhart today. Voice my support and hopefully we will get the contract signed as

soon as possible and body cameras ordered. That is always my number one on my list so I'm glad that's taken care of.

Vice Mayor Pase – Sorry that she missed the event on Saturday. She had a class reunion and she's not going to tell you what number. She heard that it was very well attended and that's good.

**Public Comments:**

Blair Carey – commented he purchased the building across the street a of months ago. It's been vacant for a long time. He wanted to see if there were any aspirations or wants or needs for the Town.

Tom Bauer – asked what's going on with North Sixth and Lincoln because the pavement is torn-up over there, is there a date when Yorkshire can expect street sweeping, shouldn't someone be sharing what's in the Council's meeting mail packets/maybe the Council could share with the public, once the Maryland side is ironed out then where does the Delaware side come in, will the Council just sign off on the contract and is Delaware set to agree with Maryland.

Robin Bond – asked Town Mgr. Bynum-King is she as hopeful as Mayor Houlihan that by next Monday we will have an agreement and who's in charge of making changes in the agreement. Town Mgr. Bynum-King said she was very hopeful. If there are any changes to be made, at this point it will come from the union. She also thanked Mayor Houlihan and Council Member Smith for coming Friday night, it meant a lot. Money was raised and exceeded and Saturday thank Mayor Houlihan and Deputy Mayor Unsell for participating in the gulf tournament this year huge success. She said you guys do a lot for the Town even though these guys are faced with long hours and working conditions they are still out doing everything they can for the community.

Penny Glasgow – said thank you Mayor Houlihan and Council Member Smith for coming Friday night. It meant a whole lot to all of us there and she appreciated that.

**Adjournment**

A motion to adjourn was made/seconded (Pase/Jones) and carried by roll call vote with 4 Ayes 1 Absent (Smith).

Submitted by:

Clerk of Council